

FUKAURA -- 10/602,076
Client/Matter: 008312-0304361

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the forgoing amendments and the following remarks, are respectfully requested.

Prior to this Amendment, claims 9-37 were pending. By the Amendment, claims 19, 28-29 and 38 are amended. Claims 26-27 and 36-37 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 9-18, 20-25 and 30-35 remain unchanged. Accordingly, after entry of this Amendment, claims 9-25, 28-35 and 38 will remain pending.

I. Priority

The Applicant would like to thank the Examiner the acknowledgement of the applicants' claim for foreign priority based on an application 11-016819 filed in Japan on 01/26/1999. The Examiner noted that the Applicant has not filed a certified copy of the priority application, as required by U.S.C. §119 in this application. Since the priority document was filed in Serial No. 09/492,535, which is the grandparent application to this application, the Applicant respectfully submits that a duplicate copy of the priority document is not required for submission in this application. The Applicant, therefore, respectfully requests that the Examiner withdraw the requirement for submission of a copy of the priority document and withdraw the requirement.

II. Claim Rejection -- 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 19-28 and 29-38 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 26-27 and 36-37 are canceled and thus the rejection of claims 26-27 and 36-37 are rendered moot. The Applicant respectfully disagrees with the rejection of claims 19-25, 28-35 and 38 and, therefore, respectfully traverses the same.

In the Office Action, the Examiner states that the Applicant introduced the new matter by adding "a semiconductor layer" into independent claims 19 and 29 (page 3, lines 11-12). The applicant has amended claims 19 and 29 to change "semiconductor layer" to "silicide

layer." Support can be found, at least, in the Ti-silicide layer (Ti-salicide layer) 10 described at, for example, page 9, line 10, through page 10, line 2, in the original specification. Thus, new matter has not been introduced.

The Applicant respectfully requests that the Examiner withdraw the rejection and pass this application to issuance.

III. Allowable Subject Matter

Before concluding, the Applicant would like to thank the Examiner for the indication that claims 9-18 are allowed.

IV. Conclusion

In view of the forgoing, the Applicant respectfully submits that the claims are patentable. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejections of the claims and pass this application quickly to issue.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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